

REMARKS

Independent claim 10 was rejected under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement and §102(e) as being anticipated by Nishida (U.S. Patent 6,461,934). In view of the amendment herein, reconsideration of the rejections is requested.

Nishida fails to disclose each element of amended claim 10, arranged as claimed. For example, Nishida fails to disclose a first trench formed of a first depth in a semiconductor structure, a covering on the first trench and over the semiconductor structure, the covering being thicker in the first trench than over the semiconductor structure, and the covering having an opening through a portion of the covering that is over the semiconductor structure, the opening to define a region for a second trench. Referring to Nishida's Figure 2 and 3, two trenches are shown, trench 103a and 103b. Trench 103a is completely filled with film 106 whereas trench 103b has an unfilled central portion.¹ Next, referring to Figure 4 of Nishida, the film 106 has been etched back in the trench 103b to expose a portion of the bottom of the trench 103b.² But the film deposited over the semiconductor structure (for example between trenches 103a and 103b) has not been etched through. Stated another way, Nishida's opening, to the extent that there is an opening, is through the film in the trench 103b. Clearly this opening is not through a thinner portion of the film that is over a semiconductor structure.

In sum, the claimed covering has two thicknesses; it is thicker in the first trench than over the semiconductor structure. Additionally, the claimed covering has an opening formed through a portion over a semiconductor structure, which is thinner than in the first trench. Clearly, Nishida's etched-back portion is through a thicker portion of the film; the portion within the trench 103b. Because Nishida fails to disclose an opening through a portion of a cover that is over a semiconductor structure (which is also a thinner portion of the covering) Nishida does not disclose every element of amended claim 10. Thus, amended claim 10 and claims dependent thereon are patentably distinguished over Nishida.

¹ Column 6, lines 49-51.

² *Id.* at 52-54.

The application is in condition for allowance. The examiner's prompt action in accordance therewith is requested.

Respectfully submitted,

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